

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re: BETTY C. OSPINA,
Address: 5421 Buggy Whip Drive, Centreville, Virginia 20120

Debtor.

Case No: 08-18160-SSM

CHEVY CHASE BANK, FSB,

Plaintiff,

Chapter 7

v.

BETTY C. OSPINA,
H. JASON GOLD, Trustee,

Defendants.

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND HEARING

Chevy Chase Bank, FSB, a creditor in this case, have filed papers with the Court to obtain relief from the provisions of the automatic stay of the Bankruptcy Code with regard to certain property more particularly described in those papers which are attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant this creditor relief from the provisions of the automatic stay of the Bankruptcy Code, or if you want the Court to consider your views on the Motion for Relief from the Automatic Stay, then on or before May 1, 2009, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

William C. Redden, Clerk
U.S. Bankruptcy Court
Alexandria Division
200 South Washington Street
Alexandria, Virginia 22314

You must also mail a copy of any such response to:

Melvin R. Zimm, Esquire
Patrick J. McKenna, Esquire
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

**Attend the preliminary hearing scheduled to be held
on May 6, 2009 at 9:30 a.m. in the Courtroom I,
United States Bankruptcy Court, 200 South
Washington Street, Alexandria, Virginia 22314.**

**If no timely response has been filed opposing the relief requested, the
Court may grant the relief requested in the Motion for Relief from Stay.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion for Relief from Automatic Stay and may enter an Order granting that relief.

Date: April 16, 2009

Signature:/s/Patrick J. McKenna
Name: Melvin R. Zimm, VSB #18017
Patrick J. McKenna, VSB #31058
Dana S. Power, VSB #33101
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2009, a true copy of the foregoing Notice of Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Martin C. Conway, Attorney for the Debtor, and to H. Jason Gold, Trustee, and was mailed, first class, postage prepaid to Betty C. Ospina, Debtor, at 5421 Buggy Whip Drive, Centreville, Virginia 20120.

/s/Patrick J. McKenna
Melvin R. Zimm, VSB #18017
Patrick J. McKenna, VSB #31058
Dana S. Power, VSB #33101
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In Re:

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CHEVY CHASE BANK, FSB,

Plaintiff,

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BETTY C. OSPINA,
H. JASON GOLD, Trustee,

Defendants.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO ALL DEFENDANTS:

Pursuant to Rule 4001(a)-1(C) of the Local Rules of the United States Bankruptcy Court of the Eastern District of Virginia, you have fifteen (15) days from April 16, 2009, the date of service of this Motion upon you, to file a written response thereto and you must file such response with the Clerk of the United States Bankruptcy Court, Eastern District of Virginia, Alexandria Division, 200 South Washington Street, Alexandria, Virginia 22314, and serve a copy of same upon the Plaintiff's attorney, Melvin R. Zimm and/or Patrick J. McKenna, at Crown Center, Suite 600, 580 East Main Street, Norfolk, VA 23510.

Glasser and Glasser, P.L.C.

Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

Melvin R. Zimm, VSB #18017
Patrick J. McKenna, VSB #31058
Dana S. Power, VSB #33101
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510
(757) 625-6787
Attorneys for Chevy Chase Bank, FSB

TO THE HONORABLE STEPHEN S. MITCHELL:

Your Plaintiff, Chevy Chase Bank, FSB, respectfully represents as follows:

1. That this is a core proceeding within the meaning of the Bankruptcy Code and Rules.
2. That on December 20, 2008, the above-named Debtor filed a Petition in this Court.
3. That H. Jason Gold was appointed Trustee of the property, has qualified and is now acting.
4. That at the time of the filing of the Debtor's Petition herein, the Debtor had an ownership interest in certain real property and improvements having a street address of 5421 Buggy Whip Drive, Centreville, Virginia, located in the County of Fairfax, Virginia, more particularly described as follows:

LOT 20 SECTION 8 SEQUOIA FARMS AS THE SAME APPEARS
DULY DEDICATED PLATTED AND RECORDED IN DEED BOOK
6788 AT PAGE 1167 AMONG THE LAND RECORDS OF FAIRFAX
COUNTY VIRGINIA.

5. That the Plaintiff is the holder of a Deed of Trust Note dated May 23, 2006, in the original principal amount of \$40,000.00 with interest thereon from said date at the rate of 7.5% per annum, secured by a Deed of Trust on said real property and improvements recorded in the Clerk's Office of the Circuit Court of the County of Fairfax, Virginia, on which there is an unpaid principal balance owing to the Plaintiff of \$38,522.51, exclusive of interest and late charges. True copies of said Note and Deed of Trust are attached hereto and incorporated by reference as Exhibits "A" and "B", respectively.

6. That the Debtor has defaulted in the payments due to the Plaintiff relative to the aforementioned Deed of Trust Note totalling the sum of \$778.32, exclusive of attorney's fees and costs incident to the filing and prosecution of this Motion. The Plaintiff reserves the right to specify any additional payment default or delinquency that may accrue between the filing date of this Motion and the time of any hearings scheduled with regard to same.

7. That in the event the Plaintiff is granted relief from stay hereunder, the Plaintiff, its successors and/or assigns, agents and/or representatives, requests that the Order granting said relief allow the Plaintiff, its successors and/or assigns, agents and/or representatives to send communications, as necessary, to the Debtor, including, but not limited to, notices required by applicable state law in connection with applicable State Court foreclosure or other proceedings incident to the aforesaid real property and improvements including any proceedings necessary to recover possession of same from the Debtor.

8. That the facts hereinabove alleged constitute cause for a grant of stay relief in favor of the Plaintiff pursuant to the provisions of 11 U.S.C. Section 362(d)(1).

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay of the Bankruptcy Code with regard to the above-described real property and improvements including any act necessary to recover possession of same from the Debtor and that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the Bankruptcy Rules be waived.

CHEVY CHASE BANK, FSB

By/s/Patrick J. McKenna
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2009, a true copy of the foregoing Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Martin C. Conway, Attorney for the Debtor, and to H. Jason Gold, Trustee, and was mailed, first class, postage prepaid to Betty C. Ospina, Debtor, at 5421 Buggy Whip Drive, Centreville, Virginia 20120.

/s/Patrick J. McKenna

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